

REMARKS/ARGUMENTS

Prior to entry of this Amendment, claims 8-16 and 24 were pending in this application, claims 17-22 having been previously withdrawn and claim 23 having been previously canceled. Claims 8, 9, 15, and 16 are amended by this paper. New claims 25-31 are added, and no claims are canceled. No new matter is added by these amendments. Therefore, claims 8-16 and 24-31 are now pending for examination in this application, and claim 8 is the independent claim. No new matter is added by these amendments.

Applicant respectfully requests reconsideration and further examination of the application as amended.

Applicant thanks the Examiner for the telephone discussion conducted October 7, 2009 with Applicant's undersigned representative. It was agreed that the amendments presented herein will overcome the current rejections under 35 U.S.C. §§ 112 and 103(a), but the Examiner suggested that more searching may be required in light of these amendments.

Claim Objection

Claim 9 is objected to because of informalities. Claim 9 has been amended to overcome this objection.

Rejection Under 35 U.S.C. § 112 and New Matter Objection

The Office Action has rejected claims 8-16 and 24 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In a related action, claims 8, 15, and 16 have been objected to for allegedly introducing new matter into the disclosure.

With regard to claims 8 and 15, the Office Action objects to the phrase *each of the second thermal modules is configurable in at least two axes with respect to the first thermal module such that each of the second thermal modules accommodates tolerance variation all axis mechanical variance in its respective thermoelectric module* in claim 1, and the phrase *at least one of the plurality of second thermal modules compliantly coupled with at least one other of the*

second thermal modules such that the thermal modules have three axes of movement relative to the each other in claim 15. These claims have been amended to include language taken from paragraph [0011] of the original disclosure, and Applicant believes the rejections and objections to be overcome.

With regard to claim 16, the Office Action objects to the recitation of a *second plurality of first thermal modules*. Claim 16 has been amended to correctly refer to a *plurality of second thermal modules*, and Applicant believes the rejection and objection to be overcome.

Rejection Under 35 U.S.C. § 103(a), Miyake and Brittain References

The Office Action has rejected claims 8-15 and 24 under 35 U.S.C. §103(a) as being allegedly unpatentable over the cited portions of Miyake et al., U.S. Patent 5,917,144 (“Miyake”), in view of the cited portions of Brittain et al., U.S. Patent 5,450,869 (“Brittain”).

Claim 8 has been amended to further clarify the arrangement of the recited elements, and to further distinguish over the combination of Miyake and Brittain.

Claim 8 now recites that *the first thermal module comprises a block including a first passage through which first passage the first fluid flows through the block* and that *each of the plurality of second thermal modules comprises a respective second block including a respective second passage through which second passage the second fluid flows through the respective second block*. Examples of blocks having passages are shown in Figure 2.

Neither Miyake nor Brittain nor their combination shows this arrangement, and claim 8 is believed allowable over Miyake and Brittain. In particular, both Miyake and Brittain use the heat from a combustion process for generating electricity, and are therefore configured to accommodate combustion products. Neither Miyake nor Brittain discloses a thermoelectric generator made from modular blocks having passages through them as is recited in claim 8.

Each of claims 9-15 and 24 depends directly or indirectly from claim 8 and adds further limitations. These dependent claims are therefore believed allowable, at least by virtue of their dependence from an allowable base claim.

Rejection Under 35 U.S.C. § 103(a), Miyake, Brittain and Sorber References

The Office Action has rejected claim 16 as being allegedly unpatentable over the cited portions of Miyake, in view of Brittain as applied to claim 8 above, and further in view of the cited portions of Sorber, U.S. Patent 4,564,504 ("Sorber"). Claim 16 depends indirectly from claim 8 and adds further limitations. As is explained above, claim 8 is believed allowable over Miyake and Brittain because Miyake and Brittain, even in combination, do not teach or suggest each and every limitation of claim 8. Sorber does not cure the deficiencies of Miyake and Brittain, and claim 16 is therefore believed allowable for at least this reason.

New Claims

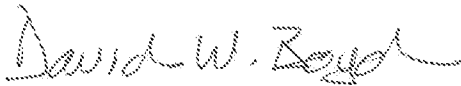
Claims 25-31 are newly added. These claims depend from claim 8 and add further limitations. These claims are amply supported in the specification, for example in paragraph [0010] and in Figures 1 and 2. As is explained above, claim 8 is believed allowable. Claims 25-31 are therefore also believed allowable, at least by virtue of their dependence from an allowable base claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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